

HOUSE BILL No. 1021

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-2-2.2; IC 20-23; IC 20-26-4.

Synopsis: Elected school boards. Requires that the members of the governing body of a school corporation be elected. Repeals statutes providing for the option of appointment of members of a governing body, and repeals superseded statutes relating to election of members of a governing body.

Effective: January 1, 2009.

Neese

January 8, 2008, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1021

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005,
2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2009]: Sec. 2.2. (a) A candidate for a school board office
4 must file a petition of nomination in accordance with IC 3-8-6 and as
5 required under **IC 20-23-11.9**, IC 20-23-12, **or** IC 20-23-14. ~~or~~
6 ~~IC 20-23-4~~. The petition of nomination, once filed, serves as the
7 candidate's declaration of candidacy for a school board office.

8 (b) A candidate for a school board office is not required to file a
9 statement of organization for the candidate's principal committee by
10 noon seven (7) days after the final date for filing a petition of
11 nomination or declaration of intent to be a write-in candidate unless the
12 candidate has received contributions or made expenditures requiring
13 the filing of a statement under IC 3-9-1-5.5.

14 SECTION 2. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,
15 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2009]: Sec. 12. (a) In formulating a preliminary
17 reorganization plan and with respect to each of the community school



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corporations that are a part of the reorganization plan, the county committee shall determine the following:

- (1) The name of the community school corporation.
- (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
- (3) With respect to the board of school trustees:

(A) whether the number of members is:

- (i) three (3);
- (ii) five (5); or
- (iii) seven (7);

~~(B) whether the members are elected or appointed;~~

~~(C) if the members are appointed:~~

- ~~(i) when the appointments are made; and~~
- ~~(ii) who makes the appointments;~~

~~(D) if (B) whether the members are elected whether the election is at:~~

- (i) the primary election at which county officials are nominated; or
- (ii) the general election at which county officials are elected; and

~~(E) (C) subject to sections 21 and 22 of this chapter, the manner in which members are elected. or appointed.~~

- (4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.

- (5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:

- (A) residence; and
- (B) term of office.

- (6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.

- (7) The disposition of school aid bonds, if any.

(b) If existing school corporations are not divided in the reorganization, the:

- (1) assets;
- (2) liabilities; and
- (3) obligations;

of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.

(c) The preliminary plan must be supported by a summary statement of:

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(1) the educational improvements the plan's adoption will make possible;

(2) data showing the:

(A) assessed valuation;

(B) number of resident students in ADA in grades 1 through 12;

(C) assessed valuation per student referred to in clause (B); and

(D) property tax levies;

of each existing school corporation to which the plan applies;

(3) the:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision (2)(A) through (2)(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee; and

(4) any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may

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consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve ~~an appointive or elective~~ a term of more than four (4) years; and

(2) may serve more than one (1) consecutive ~~appointive or elective~~ term.

SECTION 3. IC 20-23-4-16, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 16. The form of a preliminary or final comprehensive plan of reorganization is sufficient if the plan contains in its own terms or by reference the following for each proposed community school corporation:

(1) The name of the proposed community school corporation.

(2) A general description of the boundaries of the community school corporation as provided in section 12 of this chapter.

(3) The number of members of the board of school trustees. ~~and whether the members are elected or appointed:~~

(4) The manner in which the board of school trustees, other than the interim board, is elected. ~~or appointed:~~

(5) If a school corporation is divided as part of the reorganization, the disposition of assets and liabilities of the school corporation.

(6) The statement required by section 12 of this chapter if that statement is submitted or adopted with the plan.

SECTION 4. IC 20-23-4-19, AS AMENDED BY P.L.2-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2009]: Sec. 19. (a) If the creation of a community school corporation out of an existing corporation:

(1) would not involve a change in its territorial boundaries or in its board of school trustees or other governing body, other than a change in the time of election ~~or appointment~~ or the time the board members take office; and

(2) is consistent with the standards set up under this chapter and the standards set out in this section;

the state board may on its own motion or on petition of the governing body of the existing school corporation at any time with hearing in the county where the school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where the school corporation is located, at least ten (10) but not more than thirty (30) days before the date of a hearing, and without action of the county committee declare the existing school corporation to be a community school corporation by adopting a resolution to this effect. The existing school corporation qualifies as to size and financial resources if it has an ADA of at least two hundred seventy (270) students in grades 9 through 12 or at least one thousand (1,000) students in grades 1 through 12, and has an assessed valuation per student of at least five thousand dollars (\$5,000).

(b) For purposes of this section, the following terms have the following meanings:

(1) "County tax" means a property tax:

(A) that is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a countywide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute; and

(B) for which the net proceeds of which are distributed to school corporations in the county.

(2) "Assessed valuation" of any school corporation means the net assessed value of its real and personal property as of March 1, 1964, adjusted in the same manner as the assessed valuation is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as amended, unless that statute has been repealed or no longer provides for an adjustment. If a county has a county tax, the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, that would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from the county tax in the school corporation, using

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total taxes levied by the school corporation in terms of rate:

(A) excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute; and

(B) including all other taxes levied by or for the school corporation.

The increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for the year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which the tax is first applied or raised. If the excess distribution and total taxes levied cannot be determined accurately on or before the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as that department determines, certifying the increased assessment to the state board before such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per student" of any school corporation means the assessed valuation of any school corporation divided by its ADA in grades 1 through 12.

(4) "ADA" in any school corporation means the average daily attendance of students who are residents in the school corporation and in the particular grades to which the term refers for the school year 1964-1965 in accordance with the applicable regulations of the state superintendent, used in determining average daily attendance in the distribution of the tuition funds by the state to its various school corporations where funds are distributed on such basis and irrespective of whether the figures are the actual resident daily attendance of the school for the school year.

(c) The community school corporation automatically comes into being on either July 1 or January 1 following the date of approval, whichever is earlier. The state board shall mail by certified mail, return receipt requested, a copy of the resolution certified by the county committee's chairperson or secretary to:

(1) the recorder of the county from which the county committee having jurisdiction of the existing school corporation was appointed; and

(2) the county committee.

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The resolution may change the time of election ~~or appointment~~ of the board of trustees of the school corporation or the time the trustees take office. The recorder shall without cost record the certified resolution in the miscellaneous records of the county. The recording constitutes a permanent record of the action of the state board and may be relied on by any person. Unless the resolution provides that an interim member of the board of trustees shall not be appointed, the board of trustees in office on the date of the action continues to constitute the board of trustees of the school corporation until their successors are qualified, and the terms of their respective office and board membership remain unchanged except to the extent the resolution otherwise provides. For purposes of this chapter and IC 20-23-16-1 through IC 20-23-16-11, a community school corporation shall be regarded as a school corporation created under section 16 of this chapter.

SECTION 5. IC 20-23-4-20, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 20. (a) After the state board approves a comprehensive plan or partial plan for reorganization of school corporations as submitted to the state board by a county committee, the state board shall promptly, by certified mail with return receipt requested, give written notice of the approval to:

- (1) the chairperson of the county committee submitting the plan; and
- (2) the judge of the circuit court of the county from which the county committee was appointed.

(b) After notice is given under subsection (a), a community school corporation proposed by a plan referred to in subsection (a) may be created:

- (1) by petition as provided in this section;
- (2) by election as provided in section 21 of this chapter; or
- (3) under section 22 of this chapter.

(c) After receipt of the plan referred to in subsection (a) by the county committee and before or after the election described in section 21 of this chapter, a community school corporation proposed by a plan referred to in subsection (a) may be created by a petition. The petition must be signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, determined in the manner set out in this section, and filed by any signer or by the county committee with the clerk or clerks of the circuit court or courts of the county or counties where the voters reside. The petition must state that the signers request the establishment of a community school corporation and must contain the following information:

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- (1) The name of the proposed community school corporation.
- (2) A general description of the boundaries as set out in the plan.
- (3) The number of members of the board of school trustees.
- (4) The manner in which:
 - (A) the permanent board of school trustees **will be elected**; and
 - (B) if covered in the plan, the interim board of school trustees will be elected or appointed.
- (5) The compensation, if any, of the members of:
 - (A) the permanent board of school trustees; and
 - (B) if covered in the plan, the interim board of school trustees.
- (6) The disposition, if any, of assets and liabilities of each existing school corporation that:
 - (A) is included in the proposed community school corporation; and
 - (B) has been divided.
- (7) The disposition of school aid bonds, if any.
- (d) The petition referred to in subsection (c) must show:
 - (1) the date on which each person signed the petition; and
 - (2) the person's residence address on that date.

The petition may be executed in several counterparts, the total of which constitutes the petition described in this section. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. Each signer on the petition may withdraw the signer's signature from the petition before the petition is filed with the clerk of the circuit court. Names may not be added to the petition after the petition is filed with the clerk of the circuit court.

(e) After receipt of the petition referred to in subsection (c), the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to:

- (1) the number of signers of the petition;
- (2) the number of signers of the petition who are registered voters residing in:
 - (A) the proposed community school corporation; or
 - (B) the part of the school corporation located in the clerk's county;
- as disclosed by the voter registration records of the county;
- (3) the number of registered voters residing in:
 - (A) the proposed community school corporation; or
 - (B) the part of the school corporation located in the clerk's

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1 county;
 2 as disclosed by the voter registration records of the county; and
 3 (4) the date of the filing of the petition with the clerk.
 4 If a proposed community school corporation includes only part of a
 5 voting precinct, the clerk of the circuit court shall ascertain from any
 6 means, including assistance from the county committee, the number of
 7 registered voters residing in the part of the voting precinct.
 8 (f) The clerk of the circuit court shall make the certification referred
 9 to in subsection (e):
 10 (1) not later than thirty (30) days after the filing of the petition
 11 under subsection (c), excluding from the calculation of that period
 12 the time during which the registration records are unavailable to
 13 the clerk; or
 14 (2) within any additional time as is reasonably necessary to permit
 15 the clerk to make the certification.
 16 In certifying the number of registered voters, the clerk shall disregard
 17 any signature on the petition not made in the ninety (90) days that
 18 immediately precede the filing of the petition with the clerk as shown
 19 by the dates set out in the petition. The clerk shall establish a record of
 20 the certification in the clerk's office and shall return the certification to
 21 the county committee.
 22 (g) If the certification or combined certifications received from the
 23 clerk or clerks disclose that the petition was signed by at least fifty-five
 24 percent (55%) of the registered voters residing in the community
 25 school corporation, the county committee shall publish a notice in two
 26 (2) newspapers of general circulation in the community school
 27 corporation. The notice must:
 28 (1) state that the steps necessary for the creation and
 29 establishment of the community school corporation have been
 30 completed; and
 31 (2) set forth:
 32 (A) the number of registered voters residing in the community
 33 school corporation who signed the petition; and
 34 (B) the number of registered voters residing in the community
 35 school corporation.
 36 (h) A community school corporation created by a petition under this
 37 section takes effect on the earlier of:
 38 (1) July 1; or
 39 (2) January 1;
 40 that next follows the date of publication of the notice referred to in
 41 subsection (g).
 42 (i) If a public official fails to perform a duty required of the official

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under this chapter within the time prescribed in this section and sections 21 through 24 of this chapter, the omission does not invalidate the proceedings taken under this chapter.

(j) An action:

(1) to contest the validity of the formation or creation of a community school corporation under this section;

(2) to declare that a community school corporation:

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin the operation of a community school corporation; may not be instituted later than thirty (30) days after the date of publication of the notice referred to in subsection (g).

SECTION 6. IC 20-23-4-27, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 27. (a) Subsections (b) and (c) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) ~~If the members of a governing body are elected,~~ The members shall be elected in accordance with one (1) of the options set forth in subsection (c) or in accordance with section 35 of this chapter. The options must be set out in the plan with sufficient description to permit the plan to be operable with respect to the community school corporation. The description may be partly or wholly by reference to the applicable option.

(c) The options described in subsection (b) are the following:

(1) Members of a governing body:

(A) may reside anywhere in the school corporation; and

(B) shall be voted upon by all registered voters living within the school corporation voting at any governing body member election.

(2) The community school corporation shall be divided into two (2) or more residence districts with one (1) or more members of the governing body resident within each of the residence districts. The plan may also provide that one (1) or more members of the governing body may reside anywhere in the community school corporation. The plan:

(A) must set out the number of members to be elected from each district;

(B) may provide for the election of an equal number of

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- 1 members from each district; and
 2 (C) must set out the number, if any, to be elected at large
 3 without reference to governing body member districts.
 4 Under this option, all candidates must be voted on by all
 5 registered voters of the community school corporation voting at
 6 any governing body member election.
 7 (3) The community school corporation shall be divided into three
 8 (3) residence districts of approximately equal population. In a
 9 district divided into three (3) residence districts, if:
 10 (A) the governing body consists of three (3) members, one (1)
 11 member must reside in each residence district;
 12 (B) the governing body consists of five (5) members, two (2)
 13 members may not reside in any one (1) residence district; and
 14 (C) the governing body consists of seven (7) members, at least
 15 two (2) shall be elected from each residence district.
 16 Candidates shall be voted on by all registered voters of the
 17 community school corporation voting at any governing body
 18 member election.
 19 (4) The community school corporation shall be divided into two
 20 (2) or more electoral districts. Each member:
 21 (A) serves from one (1) electoral district;
 22 (B) must be a resident of the district; and
 23 (C) must be voted upon by the registered voters residing
 24 within the electoral district and voting at any governing body
 25 member election.
 26 The plan must set out the number to be elected from each
 27 electoral district and may provide for election of an equal number
 28 of members from each district. The plan must provide that not
 29 less than one (1) less than a majority of the governing body may
 30 reside anywhere in the community school corporation and must
 31 be voted upon by all its registered voters voting at any governing
 32 body member election.
 33 (5) The community school corporation consists of one (1)
 34 electoral district that must embrace the entire community school
 35 corporation from which a majority of the members of the
 36 governing body shall be elected by all the registered voters of the
 37 community school corporation voting at a governing body
 38 member election. The other electoral districts must be
 39 subdivisions of the community school corporation. Each of the
 40 remaining members of the governing body:
 41 (A) serves from one (1) of the latter electoral districts;
 42 (B) must be a resident of that district; and

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- 1 (C) must be voted upon by registered voters voting at a
 2 governing body member election.
 3 The plan must set out the number to be elected from each district
 4 and may provide for the election of an equal number of members
 5 from the district.
 6 (6) The community school corporation shall be divided into two
 7 (2) or more electoral districts. Each member:
 8 (A) serves from one (1) electoral district;
 9 (B) must be a resident of that district; and
 10 (C) must be voted upon only by the registered voters residing
 11 within that district who vote at a governing body election.
 12 The plan must set out the number of members to be elected from
 13 each electoral district in the school corporation and may provide
 14 for election of an equal number of members from each district.
 15 SECTION 7. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 16 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2009]: Sec. 30. (a) This section applies to each school
 18 corporation.
 19 ~~(b) If the governing body is to be elected at the primary election,~~
 20 ~~each registered voter may vote in the governing body election without~~
 21 ~~otherwise voting in the primary election.~~
 22 ~~(c) If a tie vote occurs among any of the candidates, the tie vote~~
 23 ~~shall be resolved under IC 3-12-9-4.~~
 24 ~~(d)~~ (b) If after the first governing body takes office there is a
 25 vacancy on the governing body for any reason, including the failure of
 26 the sufficient number of petitions for candidates being filed, ~~whether~~
 27 ~~the vacating member was elected or appointed,~~ the remaining members
 28 of the governing body, whether or not a majority of the governing body,
 29 shall by a majority vote fill the vacancy by appointing a person from
 30 within the boundaries of the community school corporation to serve for
 31 the term or balance of the term. An individual appointed under this
 32 subsection must possess the qualifications provided for a ~~regularly~~
 33 ~~elected or appointed~~ governing body member. ~~filling the office.~~ If:
 34 (1) a tie vote occurs among the members of the governing body
 35 under this subsection or IC 3-12-9-4; or
 36 (2) the governing body fails to act within thirty (30) days after any
 37 vacancy occurs;
 38 the judge of the circuit court in the county where the majority of
 39 registered voters of the school corporation reside shall make the
 40 appointment.
 41 ~~(e)~~ (c) A vacancy in the governing body occurs if a member ceases
 42 to be a resident of any community school corporation. A vacancy does

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not occur when the member moves from a district of the school corporation ~~from which that~~ the member ~~was elected or appointed~~ **represents** if the member continues to be a resident of the school corporation.

~~(f)~~ **(d)** At the first primary or general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

~~(g)~~ **Governing body members elected:**

~~(1) in November take office and assume their duties on January 1 or July 1 after their election; as determined by the board of school trustees before the election; and~~

~~(2) in May take office and assume their duties on July 1 after their election.~~

SECTION 8. IC 20-23-4-31, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 31. (a) This section applies to each school corporation.

(b) ~~If the plan provides for the election of members of the governing body of the community school corporation:~~

~~(1) The judge of the circuit court or,~~

~~(2) in the case of a united school corporation, the judge of the circuit court of the county having the most students enrolled in the united school corporation~~

shall appoint interim governing body members in accordance with the plan approved by the county committee and the state board.

(c) The members of the governing body appointed serve until their successors are elected and qualified.

(d) Instead of appointment, the plan may provide for an alternative method of appointing the members of the interim governing body of a community or united school corporation. The appointment under this subsection must be made by one (1) or more of the ~~class of officials listed in section 28(c) of this chapter.~~ **following:**

(1) The judge of the circuit or a superior court.

(2) The city executive.

(3) The legislative body of a city.

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- (4) The board of commissioners of a county.**
- (5) The county fiscal body.**
- (6) The town legislative body.**
- (7) The township executive.**
- (8) The township legislative body.**
- (9) A township executive and legislative body jointly.**
- (10) More than one (1) township executive and legislative body jointly.**

SECTION 9. IC 20-23-5-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) Within sixty (60) days after the annexation takes place, the governing body of the acquiring school corporation and losing school corporation shall adopt a plan determining the manner in which the governing body shall be constituted. The plan shall be adopted in accordance with the requirements and procedures of IC 20-23-8, except as set out in subsection (b).

(b) The adoption of a plan by the governing body in accordance with IC 20-23-8-10 and its submission to the state board under IC 20-23-8-15 are the only procedures required when an existing plan is changed as follows:

- (1) All governing body members are elected at large, and there are no governing body member residency districts.
- (2) Governing body members are elected from governing body member residency districts, and the annexed territory is added to or deleted from one (1) or more districts.
- ~~(3) A governing body member is appointed from a given area or district, and the annexed territory is added to or deleted from one (1) or more districts or areas.~~
- ~~(4)~~ (3) A governing body member is elected solely by the voters in a school governing body member district, but the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

If a school corporation elects ~~or appoints~~ members of its governing body both from a school governing body member district encompassing the entire school corporation and from smaller districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the losing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan becomes effective upon its

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approval by the state board. The application of this subsection does not limit the initiation of, or further changes in, any plan under IC 20-23-8.

SECTION 10. IC 20-23-6-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) If the governing bodies of at least two (2) school corporations desire to consolidate school corporations, the governing bodies may meet together and adopt a joint resolution declaring intention to consolidate school corporations. The resolution must set out the following information concerning the proposed consolidation:

(1) The name of the proposed new school corporation.

(2) The number of members on the governing body and the manner in which they shall be elected. ~~or appointed:~~

~~(A) If members are to be elected;~~ The resolution must provide for:

~~(i) (A)~~ the manner of the nomination of members;

~~(ii) (B)~~ who shall constitute the board of election commissioners;

~~(iii) (C)~~ who shall appoint inspectors, judges, clerks, and sheriffs; and

~~(iv) (D)~~ any other provisions desirable in facilitating the election.

~~(B)~~ Where applicable and not in conflict with the resolution, the election is governed by the general election laws of Indiana, including the registration laws.

(3) Limitations on residences, term of office, and other qualifications required of the members of the governing body. A resolution may not provide for ~~an appointive or elective~~ a term of more than four (4) years. A member may succeed himself or herself in office.

(4) Names of present school corporations that are to be merged together as a consolidated school corporation.

In addition, the resolution may specify the time when the consolidated school corporation comes into existence.

(b) The number of members on the governing body as provided in the resolution may not be less than three (3) or more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school corporations that:

(1) have entered into an interlocal agreement to construct and operate a joint high school; or

(2) are operating a joint high school that has an enrollment of at

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1 least six hundred (600) in grades 9 through 12 at the time the joint
2 resolution is adopted.

3 (c) The members of the governing body shall, after adopting a joint
4 resolution, give notice by publication once each week for two (2)
5 consecutive weeks in a newspaper of general circulation, if any, in each
6 of the school corporations. If a newspaper is not published in the school
7 corporation, publication shall be made in the nearest newspaper
8 published in the county in which the school corporation is located. The
9 governing bodies of school corporations shall meet one (1) week
10 following the date of the appearance of the last publication of notice of
11 intention to consolidate. If a protest has not been filed, as provided in
12 this chapter, the governing bodies shall declare by joint resolution the
13 consolidation of the school corporations to be accomplished, to take
14 effect as provided in section 8 of this chapter. However, on or before
15 the sixth day following the last publication of the notice of intention to
16 consolidate, twenty percent (20%) of the legal voters residing in any
17 school corporation may petition the governing body of the school
18 corporations for an election to determine whether or not the majority
19 of the voters of the school corporation is in favor of consolidation.

20 SECTION 11. IC 20-23-6-6, AS AMENDED BY P.L.2-2006,
21 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2009]: Sec. 6. (a) On the day and hour named in the
23 notice filed under section 5 of this chapter, polls shall be opened and
24 the votes of the registered voters shall be taken upon the public
25 question of consolidating school corporations. The election shall be
26 governed by IC 3, except as provided in this chapter.

27 (b) The county election board shall conduct the election. The public
28 question shall be placed on the ballot in the form prescribed by
29 IC 3-10-9-4 and must state "Shall (here insert the names of the school
30 corporations that the resolution proposes to consolidate) be
31 consolidated into a consolidated school corporation?".

32 (c) A brief statement of the provisions in the resolution for
33 ~~appointment or~~ election of a governing body may be placed on the
34 ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes
35 cast for and against the consolidation of the school corporations shall
36 be filed with:

- 37 (1) the governing body of the school corporations subject to the
- 38 election;
- 39 (2) the state superintendent; and
- 40 (3) the county recorder of each county in which a consolidated
- 41 school corporation is located;
- 42 together with a copy of the resolution.

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(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school general fund.

SECTION 12. IC 20-23-6-8, AS AMENDED BY P.L.2-2006, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) Consolidated schools are under the control and management of the consolidated governing body created under this chapter, and a new consolidated school corporation comes into existence:

(1) at the time specified in the resolutions provided in section 3 or 4 of this chapter; or

(2) if a time is not specified, at the following times:

(A) If a protest has not been filed and the creation is accomplished by the adoption of a joint resolution following publication of notice as provided in section 3 of this chapter, thirty (30) days after the adoption of the joint resolution.

(B) If the creation is accomplished after an election as provided in section 6 of this chapter, thirty (30) days after the election.

(b) The members of the governing body shall:

(1) take an oath to faithfully discharge the duties of office; and

(2) meet at least five (5) days before the time the new consolidated school corporation comes into existence to organize.

(c) The governing body shall meet to reorganize on August 1 of each year and at any time the personnel of the board is changed. At the organization or reorganization meeting, the members of the governing body shall elect the following:

(1) A president.

(2) A secretary.

(3) A treasurer.

(d) The treasurer, before starting the duties of the treasurer's office, shall execute a bond to the acceptance of the county auditor. The fee for the bond shall be paid from the school general fund of the

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consolidated school corporation. Any vacancy occurring in the membership in any governing body, other than vacancy in the office of an ex officio member, shall be filled in the following manner:

(1) If the membership was originally made by appointment, the vacancy shall be filled by appointment by the legislative body of the:

(A) city;

(B) town;

(C) township; or

(D) other body;

or other official making the original appointment:

(2) If the membership was elected, the vacancy shall be filled by a majority vote of the remaining members of the governing body of the consolidated school corporation.

(e) The members of the governing body, other than the township executive or ex officio member, shall receive compensation for services as fixed by resolution of the governing body. The members, other than the township executive or any ex officio member, may not receive more than two hundred dollars (\$200) annually. Any:

(1) township executive; or

(2) ex officio member of the governing body;

shall serve without additional compensation.

(f) The governing body of a consolidated school corporation may elect and appoint personnel it considers necessary.

SECTION 13. IC 20-23-6-9, AS AMENDED BY P.L.113-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. (a) When any:

(1) school town;

(2) school city;

(3) school township;

(4) joint school; or

(5) consolidated school;

has become consolidated by resolution or election and the new governing body has been appointed and legally organized, the former school township, school town, school city, joint school, or consolidated school is considered abandoned.

(b) All school:

(1) property;

(2) rights;

(3) privileges; and

(4) any indebtedness;

from the abandoned school is considered to accrue to and be assumed

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by the new consolidated school corporation.

(c) The title of property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by the new consolidated school corporation. All the privileges and rights conferred by law upon the former:

- (1) school town;
- (2) school city;
- (3) school township;
- (4) joint school; or
- (5) consolidated school;

are granted to the newly consolidated school corporation.

(d) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a township is no longer needed for school purposes. The governing body shall offer the property as a gift for park and recreation purposes to the township that owned the property before the school was consolidated. If the township board accepts the offer, the governing body shall give the township a quitclaim deed to the property. The deed must state that the township is required to use the property for park and recreation purposes. If the township board refuses the offer, the governing body may sell the property in the manner provided in subsection (e).

(e) This subsection provides the procedure for the sale of school property that is no longer needed for school purposes by the governing body of a consolidated school corporation. The governing body shall cause the property to be appraised at a fair cash value by:

- (1) one (1) disinterested resident freeholder of the school corporation offering the property for sale; and
- (2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. The appraisals shall be made under oath and spread of record upon the records of the governing body. A sale may not be made for less than the appraised value, and the sale must be made for cash. The sale shall take place after the governing body gives notice under IC 5-3-1 of the terms, date, time, and place of sale.

(f) Proceeds from a sale under subsection (e) shall be placed in a capital projects fund of the consolidated school corporation or other fund designated as the fund that is available for capital outlay of the school corporation.

SECTION 14. IC 20-23-8-4, AS ADDED BY P.L.1-2005,



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SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. As used in this chapter, "plan" means the manner in which the governing body of a school corporation is constituted, including the number, qualifications, length of terms, manner, and time of ~~selection either by appointment or by~~ election of the members of the governing body.

SECTION 15. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

(A) three (3);

(B) five (5); or

(C) seven (7);

members.

~~(2) Whether the governing board shall be elected or appointed;~~

~~(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28;~~

~~(4) If elected;~~ **(2) Whether the election of the members shall be at the primary or at the general election that county officials are nominated or elected, and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27 and IC 20-23-11.9.**

~~(5) (3) The limitations on:~~

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

~~(6) (4) The time the plan takes effect.~~

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 16. IC 20-23-8-8, AS AMENDED BY P.L.2-2006, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) A plan is subject to the following

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limitations:

(1) A member of the governing body may not serve for a term of more than four (4) years, but a member may succeed himself or herself in office. This limitation does not apply to members who hold over during an interim period to effect a new plan awaiting the selection and qualification of a member under the new plan.

(2) The plan if the members are:

(A) ~~to be elected~~; shall conform with one (1) of the types of board organization permitted by IC 20-23-4-27. ~~or~~

(B) ~~appointed~~; shall conform with one (1) of the types permitted by IC 20-23-4-28.

(3) The terms of the members of the governing body, either elected to or taking office on or before the time the plan takes effect, may not be shortened. The terms of the members taking office under the plan may be shortened to make the plan workable on a permanent basis.

(4) If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single district, the districts must be as near as practicable equal in population. The districts shall be reapportioned and their boundaries changed, if necessary, by resolution of the governing body before the election next following the effective date of the subsequent decennial census to preserve the equality by resolution of the governing body.

(5) The plan shall comply with the:

(A) Constitution of the State of Indiana; and

(B) Constitution of the United States;

including the equal protection clauses of both constitutions.

(6) The provisions of IC 20-23-4-26 through IC 20-23-4-33 **and IC 20-23-11.9** relating to the board of trustees of a community school corporation and to the community school corporation, including provisions relating to powers of the board and corporation and provisions relating to the mechanics of **selection election** of the board, ~~where elected and where appointed~~; apply to a governing body set up by a plan under this chapter and to the school corporation.

(b) The limitations set forth in this section do not have to be specifically set forth in a plan but are a part of the plan. A plan shall be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The

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provisions of a plan are severable.

SECTION 17. IC 20-23-8-13, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) The **initial** additional members of the governing body are to be appointed by the city executive.

~~(2) If the plan is subsequently changed to provide for the election of governing body members:~~

~~(A) the membership of the governing body may not be less than seven (7); and~~

~~(B) (2) After appointment of the initial additional members,~~ **all** the members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes a part of the plan that conflicts with the ordinance;

(2) must be filed with the state superintendent under section 22 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

SECTION 18. IC 20-23-11.9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

Chapter 11.9. Election of Governing Body Members

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to every school corporation.

(b) This chapter does not apply to a school corporation to which any of the following applies:

(1) IC 20-23-12.

(2) IC 20-23-14.

(3) IC 20-23-15.

(4) IC 20-25.

Sec. 2. (a) This section applies if a school corporation's plan provides for the election of members of the governing body at a primary election.

(b) The nomination of a candidate for election as a member of the governing body must be made by a petition of nomination

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signed by the candidate and ten (10) registered voters residing within the boundaries of the school corporation at the time provided by IC 3-8-2 for the filing of a declaration of candidacy for the primary election.

(c) Each registered voter may vote in an election for members of the governing body without otherwise voting in the primary election.

Sec. 3. (a) This section applies if a school corporation's plan provides for the election of members of the governing body at a general election.

(b) The nomination of a candidate for election as a member of the governing body must be made by a petition of nomination signed by the candidate and ten (10) registered voters residing within the boundaries of the school corporation. The filing must be made not later than noon seventy-four (74) days before the date on which the general election will be held.

Sec. 4. (a) A petition of nomination under section 2 or 3 of this chapter must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If a school corporation's plan requires residence in a specified district or voting solely in a specified district for a governing body member office, the petition of nomination must clearly state the residence or electoral district for which the individual is a candidate.

(b) If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition of nomination complies with subsection (a), promptly certify to each circuit court clerk of a county in which the school corporation is located the names of the candidates to be placed on the ballot.

Sec. 5. (a) This section applies if a school corporation's plan provides that the members of the governing body are to be elected by all the voters of the school corporation.

(b) The names of candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11 without party designation.

(c) The candidates receiving the most votes are elected.

Sec. 6. (a) This section applies if a school corporation's plan provides that members of the governing body are to be elected from residence districts by all voters in the school corporation.

(b) The names of candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11 by residence districts

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without party designation.

(c) The ballot must state:

(1) the number of members to be elected; and

(2) the maximum number of members that may be elected from each residence district as provided in the plan.

(d) A ballot is not valid if the voter casting the ballot votes for more than the maximum number of members stated under subsection (c)(2).

(e) Candidates receiving the most votes are elected. However, if the number of candidates from a particular residence district who are among those receiving the most votes exceeds the maximum number of members that may be elected from the residence district:

(1) the number of candidates from the residence district who are elected equals the maximum number of members that may be elected from the residence district; and

(2) the candidates from the residence district who are elected are those who, among all the candidates from the residence district, receive the most votes.

Sec. 7. (a) This section applies if the school corporation's plan provides that a member of the governing body is to be elected from a particular electoral district solely by the voters of the district.

(b) The names of candidates residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11 without party designation.

(c) The ballot must state the number of members to be elected from the electoral district.

(d) For each electoral district, the candidates who reside in the electoral district and who receive the most votes are elected.

Sec. 8. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

Sec. 9. (a) This section applies to a school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices on the election ballot.

Sec. 10. Voting and tabulation of votes in an election under this chapter shall be conducted in the same manner as voting and tabulation in a primary or general election are conducted. The precinct election boards serving at the primary or general election

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1 in each county shall conduct the election for governing body
2 members.

3 Sec. 11. Except as provided in section 12 of this chapter, if a tie
4 vote occurs in an election under this chapter, the tie vote shall be
5 resolved under IC 3-12-9-4.

6 Sec. 12. (a) This section applies only to a school corporation with
7 territory in a county having a population of more than one
8 hundred forty-eight thousand (148,000) but less than one hundred
9 seventy thousand (170,000).

10 (b) This section applies if there is a:

11 (1) tie vote in an election for a member of the governing body
12 of a school corporation; or

13 (2) vacancy on the governing body of a school corporation.

14 (c) Notwithstanding any other law, if a tie vote occurs in an
15 election for a member of the governing body or a vacancy occurs
16 on the governing body, the remaining members of the governing
17 body, even if the remaining members do not constitute a majority
18 of the governing body, shall by a majority vote of the remaining
19 members:

20 (1) select one (1) of the candidates, who shall be declared
21 elected; or

22 (2) fill the vacancy by appointing an individual to fill the
23 vacancy.

24 (d) An individual appointed to fill a vacancy under subsection
25 (c)(2):

26 (1) must satisfy all the qualifications required of a member of
27 the governing body; and

28 (2) shall serve for the remainder of the unexpired term of the
29 vacating member.

30 (e) If a tie occurs in a vote among the remaining members of the
31 governing body under subsection (c) or the governing body fails to
32 act within thirty (30) days after the election or vacancy occurs, the
33 fiscal body (as defined in IC 3-5-2-25) of the township in which the
34 greatest percentage of population of the school district resides shall
35 break the tie or make the appointment. A member of the fiscal
36 body who is a candidate and is involved in a tie vote that is the
37 subject of a vote under this subsection may not cast a vote to break
38 the tie under this subsection.

39 (f) If the voting in a fiscal body under subsection (e) results in a
40 tie, the deciding vote to break the tie vote shall be cast by the
41 executive.

42 Sec. 13. Governing body members who are elected:

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(1) in November take office and assume their duties on January 1 or July 1 after their election, as stated in the school corporation's plan; and

(2) in May take office and assume their duties on July 1 after their election.

SECTION 19. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in ~~IC 20-23-4-27 and IC 20-23-4-29 through IC 20-23-4-31~~, **IC 20-23-4 and IC 20-23-11.9**, but this chapter prevails over any conflicting provisions of ~~IC 20-23-4~~ **either of those statutes** relating to any school corporation.

SECTION 20. IC 20-26-4-4, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) This section does not apply to a school city of the first class or to a school corporation succeeding to all or the major part in area of a school city of the first class.

(b) The commencement and termination of terms of members of a governing body are as follows:

(1) Except as provided in subdivision (2), the governing body of each school corporation shall determine whether the term of office for the governing body's members extends from January 1 to December 31 or from July 1 to June 30. A governing body that makes a change in the commencement date of the governing body's members' terms shall report the change to the state board before August 1 preceding the year in which the change takes place. An ex officio member of a governing body shall take office at the time the ex officio member takes the oath of the office by virtue of which the ex officio member is entitled to become an ex officio member.

(2) In a county having a population of more than four hundred thousand (400,000), the terms of office for the members of a governing body ~~whether elected or appointed~~, commence on July 1 of the year in which the members are to take office under the plan, resolution, or law under which the school corporation is established, and terminate on the June 30 of the final year of the term for which the members are to serve under the plan, resolution, or law.

(c) If a vacancy in the membership of a governing body occurs for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election),

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and whether the vacancy was of an elected or appointed member); the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy

(1) of a member who serves on a governing body in an ex officio capacity. or

(2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.

SECTION 21. IC 20-26-4-7, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) Except as provided in IC 20-25-3-3, the governing body of a school corporation by resolution has the power to pay each member of the governing body a reasonable amount for service as a member, not to exceed:

(1) two thousand dollars (\$2,000) per year; and

(2) a per diem not to exceed the rate approved for members of the board of school commissioners under IC 20-25-3-3(d).

(b) If the members of the governing body are totally comprised of appointed members, the appointive authority under IC 20-23-4-28(e) shall approve the per diem rate allowable under subsection (a)(2) before the governing body may make the payments.

(c) To make a valid approval under subsection (b), the appointive authority must approve the per diem rate with the same endorsement required under IC 20-23-4-28(f) to make the appointment of the member.

SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 20-23-4-28; IC 20-23-4-29; IC 20-23-4-34; IC 20-23-4-36; IC 20-23-4-44; IC 20-23-7-9.

SECTION 23. [EFFECTIVE JANUARY 1, 2009] (a) This SECTION applies to members of the governing body of a school corporation who, before January 1, 2010, are appointed.

(b) After December 31, 2009, the members of the governing body shall be elected as provided in IC 20-23-11.9, as added by this act.

(c) Before January 1, 2010, the governing body shall amend the school corporation's plan to provide for the election of the members of the governing body as provided in IC 20-23-4-27, as

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1 amended by this act, and IC 20-23-11.9, as added by this act. The
 2 amendment must provide that the successor of an appointed
 3 member shall be elected at either:

4 (1) the primary election at which county officials are
 5 nominated; or

6 (2) the general election at which county officials are elected;
 7 held immediately before that member's term of office is scheduled
 8 to expire.

9 (d) If the governing body fails to amend the school corporation's
 10 plan as required by subsection (c), the following apply:

11 (1) The successor of each appointed member of the governing
 12 body shall be elected at the general election at which county
 13 officials are elected and that is held:

14 (A) in the year in which the appointed member's term
 15 expires, if the appointed member's term expires July 1; or

16 (B) the year ending immediately before the appointed
 17 member's term expires, if the appointed member's term
 18 expires January 1.

19 (2) The successor elected at the general election takes office on
 20 January 1 following the successor's election.

21 (3) The school corporation's plan is considered to provide
 22 that:

23 (A) the members of the governing body shall be elected at
 24 a general election at which county officials are elected; and

25 (B) a member of the governing body takes office January
 26 1 after the member's election.

27 (e) This SECTION expires July 1, 2017.

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